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Working Group on Arbitrary Detention

Opinions adopted by the Working Group on Arbitrary Detention at its eighty-first session, 17–26 April 2018

Opinion No. 29/2018 concerning Abdulrahman bin Omair Rashed al Jabr al Nuaimi (Qatar)

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the Commission on Human Rights, which extended and clarified the Working Group's mandate in its resolution 1997/50. Pursuant to General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Council assumed the mandate of the Commission. The Council most recently extended the mandate of the Working Group for a three-year period in its resolution 33/30.

2. In accordance with its methods of work (A/HRC/36/38), on 25 January 2018 the Working Group transmitted to the Government of Qatar a communication concerning Abdulrahman bin Omair Rashed al Jabr al Nuaimi. The Government has not replied to the communication. The State is not a party to the International Covenant on Civil and Political Rights.

3. The Working Group regards deprivation of liberty as arbitrary in the following cases:

(a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to him or her) (category I);

(b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the Covenant (category II);

(c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);

(d) When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);

(e) When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings (category V).

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Submissions

Communication from the source

4. Abdulrahman bin Omair Rashed al Jabr al Nuaimi is a 63-year-old Qatari national. He is a university professor of modern and contemporary history and a human rights advocate. He usually resides in Doha with his wife and seven children.

Background information

5. According to the source, in December 2013, Mr. Al Nuaimi was listed by the United States of America Department of the Treasury as a "financer and facilitator of terrorism". Subsequently, he was also listed by the Security Council's committee on sanctions against Al-Qaida, among others. The source is not aware of any evidence having been submitted by the Treasury to support those allegations. Mr. Al Nuaimi reportedly denied all charges and officially notified the United States authorities, as well as the United Nations Sanctions Committee, of his willingness to fully cooperate in order to prove his innocence. He published an official statement declaring that he was ready to stand trial for any such allegations in the United States.

6. The source indicates that, for about two years and despite the above-mentioned listings and linked allegations, the Qatari authorities did not prosecute Mr. Al Nuaimi. The source submits that this was due to the lack of material evidence against him. However, there was reportedly a marked change following the 2015 Gulf crisis, during which Bahrain, Saudi Arabia and the United Arab Emirates accused Qatar of not abiding by the Gulf Cooperation Council's principles and of supporting Islamist groups.

7. The source submits that, following the pressure that those events and certain other Gulf countries put on Qatar, in October 2015, the Qatari State Prosecutor's office opened a case against Mr. Al Nuaimi, presenting two witness testimonies. He was accused, during the period between 2010 and 2015, of having collected funds for armed groups in Egypt, Libya, Somalia, Syrian Arab Republic, Tunisia and Yemen to commit terrorist acts. It was alleged that he was providing these groups with material and financial aid and supplies, while also being aware of their aims. The source notes that the charges filed against Mr. Al Nuaimi by the Qatari Public Prosecutor reflected exactly the accusations made against him by the United States Treasury.

8. On 30 May 2016, the day of Mr. Al Nuaimi's sentencing hearing, the chief witness for the prosecution, a Qatari national security officer, reportedly withdrew his testimony in front of the Criminal Court of Doha. The second testimony made by a financial analyst did not suffice to prove beyond reasonable doubt Mr. Al Nuaimi's role as a terrorist financier. Hence, on 30 May 2016, the Court issued its judgment and declared Mr. Al Nuaimi innocent of all charges.

9. The source indicates that the Public Prosecutor did not appeal this decision. The time limit for appeal expired after 30 days, and the finding of innocence became final according to article 276 of the Criminal Procedure Code.

10. The source also indicates that, upon a request by Mr. Al Nuaimi, the Ministry of the Interior and the National Counter Terrorism Committee issued a certificate on 12 July 2016 attesting to his innocence and non-implication in any activity related to the financing of terrorism.

Arrest and detention

11. The source reports that, on 10 July 2017 at approximately 8 p.m., State Security Forces arrested Mr. Al Nuaimi while he was driving his car in the centre of Doha. They asked him to accompany them to the Public Prosecutor's office. He reportedly refused and asked them to join him in his car to avoid being publicly placed in a police car without understanding the reason for his arrest.

12. According to the source, Mr. Al Nuaimi was subsequently arrested without a warrant and without being informed verbally or otherwise of the reasons for his arrest or any charges against him. He was then brought to the headquarters of the State Security

Forces, where he was detained and told by one of the officers that the Public Prosecutor had appealed his acquittal of May 2016 and that his arrest was related to the previous charges held against him. According to the source, a senior prosecutor also visited him and said that the arrest was meant to protect him and that it was a consequence of the pressure exercised by the United States on Qatar as Mr. Al Nuaimi had repeatedly been mentioned as a financier of terrorism in the media coverage of rival Gulf States in the context of the June 2017 Gulf crisis.

13. In this respect, the source highlights that Mr. Al Nuaimi was largely portrayed by national media outlets in Bahrain, Egypt, Saudi Arabia and the United Arab Emirates as an important State official implicated in financing terrorism to destabilize the region. The source believes that these allegations illustrate that the accusations made against Mr. Al Nuaimi were politically motivated.

14. According to the source, Mr. Al Nuaimi's arrest coincided with the visit of the Qatari Foreign Minister to Washington on 27 June 2017. The source also submits that the visit of the United States Secretary of State to Doha on 11 July 2017 to sign a joint agreement aimed at combating the financing of terrorism should be noted. Qatar was reportedly the first Gulf State to sign a memorandum of understanding with the United States on combating terrorism, with the Qatari Foreign Minister claiming that this was unrelated to the pressure being applied by fellow Gulf States. The source thus submits that there is a noteworthy correlation between the pressure of the United States and neighbouring Gulf States on Qatar to clamp down on suspected terrorists and the arrest of Mr. Al Nuaimi.

15. The source reports that, a few days after his arrest, Mr. Al Nuaimi carried out a hunger strike, which lasted for about 18 days, in order to protest against the arbitrariness of his detention. He was then transferred from the headquarters of the State Security Forces to an unofficial detention facility in Doha.

16. At the time of the submission by the source, nearly four months after his initial arrest, Mr. Al Nuaimi had not been interrogated, neither in relation to the case in which he had been acquitted in May 2016, nor in relation to any new accusations against him. He had been denied access to legal representation, he did not know the reason for his detention and he had not been formally charged. He had not been afforded access to medical care despite having a heart condition. He had only been allowed visits from his sons; no other members of his family, including his wife and daughters, had been permitted to visit him.

17. The source indicates that Mr. Al Nuaimi was told by the Public Prosecutor that he could be held for at least six months before being brought before a judicial authority, in conformity with the provisions of Law No. 3/2004 on Combating Terrorism.

18. In this respect, the source refers to article 18 of Law No. 3/2004, which prescribes that the Public Prosecutor can order detention for up to 15 days for anyone suspected of having committed a terrorist crime, which can be extended for similar periods of time for up to 6 months without a court order. Mr. Al Nuaimi has been brought before the Public Prosecutor, who has prolonged his detention every 15 days in accordance with article 18.

Trial proceedings

19. According to the source, the first trial hearing took place on 23 October 2017 and was attended by Mr. Al Nuaimi's lawyer, as well as some observers and a representative of the National Human Rights Committee. However, Mr. Al Nuaimi himself was absent as the Public Prosecutor had denied him permission to travel from prison to the court. The source submits that the intended and actual effect of this was to postpone the full hearing.

20. The source indicates that the judge merely affirmed that an appeal of Mr. Al Nuaimi's acquittal by the Public Prosecutor had been officially registered by the Court of Criminal Appeal under No. 810/2017. Mr. Al Nuaimi's lawyer demanded that the judge specify whether the court would accept the request to appeal the acquittal of May 2016, which the judge could have done in the absence of Mr. Al Nuaimi. His lawyer explained that the appeal time had passed. However, the judge retreated, refused to answer the lawyer and disregarded his memorials and submissions. The Public Prosecutor requested that the

hearing be postponed and the judge immediately postponed the hearing until 27 November 2017 without addressing any of the points made by Mr. Al Nuaimi's lawyer. The hearing was subsequently postponed again until 28 January 2018.

Analysis of violations

21. In the light of the above, the source argues that Mr. Al Nuaimi's detention falls under categories I and III of the categories applicable to the consideration of cases by the Working Group, as his detention lacks any legal basis and is marked by violations of fair trial safeguards. He has not been informed of the case against him, or afforded a fair opportunity to reply or the opportunity to exercise his right to challenge the legality of his arrest before a competent authority.

Category I — absence of legal basis

22. The source submits that the arrest and detention of Mr. Al Nuaimi falls under category I as no legal basis has been officially invoked by the authorities to justify his deprivation of liberty from the time of his arrest on 10 July 2017.

23. The source notes that, if the reasoning for his detention is the Public Prosecutor's appeal against his original acquittal in May 2016, article 276 of the Criminal Procedure Code holds that the appeal period is 30 days from the date of sentencing. Article 280 of the Code further specifies that the Court will refuse any appeal if it is filed after the legally specified date. The source thus submits that, if the basis of Mr. Al Nuaimi's detention were to be for the reasons specified by the officer upon his arrest, his detention is in clear violation of national legislation.

24. The source also submits that, if the detention is made on this basis, it falls short of international standards of the force of res judicata and is subsequently void of a legal basis. In this respect, the source refers to article 38 (1) of the Statute of the International Court of Justice, which states, inter alia, that the Court, the function of which is to decide in accordance with international law such disputes as are submitted to it, should apply the general principles of law recognized by civilized nations.[1]

25. However, the source submits that the fact that Mr. Al Nuaimi has not been clearly informed of the reason for his arrest or detention is evidence enough of its arbitrariness. During his first trial hearing on 23 October 2017, the judge reportedly mentioned that his detention was related to an affair other than his previous acquittal, without stating the actual reason for his arrest. According to the source, both these facts visibly illustrate the lack of respect for due process and point to the lack of legal basis justifying Mr. Al Nuaimi's detention.

Category III — non-observance of international fair trial norms

26. The source submits that Mr. Al Nuaimi's detention is arbitrary due to the violations of fair trial rights that he has suffered from the onset of his arrest.

Arbitrary arrest

27. As stated above, Mr. Al Nuaimi was reportedly arrested by State Security Force officers who did not inform him of the reasons for his arrest, nor did they provide him with a warrant, in contravention of principle 10 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

[1] The source notes that similar provisions are also found in article 14 (6) of the International Covenant on Civil and Political Rights, and article 4 of Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms.

Violations of the right of habeas corpus and of the right to be brought promptly before a judicial authority

28. According to the source, Mr. Al Nuaimi has not been brought before a judicial authority, in violation of principle 11 of the Body of Principles, which asserts that a person should not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority. Mr. Al Nuaimi has thus been unable to challenge the lawfulness of his detention in violation of principle 32 of the Body of Principles, which explicitly grants him this right. The source notes that the Working Group on Arbitrary Detention has further asserted that habeas corpus is in itself a human right that can be inferred from articles 8, 9 and 10 of the Universal Declaration of Human Rights (see A/HRC/19/57, para. 59).

29. Moreover, the source submits that the provisions stipulated in article 18 of Law No. 3/2014 on Combating Terrorism contravene the right of a detainee to habeas corpus. In this respect, the source notes that the Working Group has explicitly stated that these rights also apply to terrorism suspects and has set as a principle that persons charged with terrorist acts should be brought before a competent judicial authority, as soon as possible, and no later than within a reasonable time period and that the person detained on charges of terrorist activities should enjoy the effective right to habeas corpus following their detention (see A/HRC/10/21, para. 54 (e)).

30. The source also notes that the Human Rights Committee has stated that an essential safeguard against arbitrary arrest is reasonable suspicion that would satisfy an objective observer that the person may have committed the offence (see A/HRC/22/44, para. 62).[2] The prohibition against arbitrary deprivation of liberty and the right to bring proceedings before a court in order to challenge the legality of the detention are non-derogable under treaty and customary international law, even during states of emergency.[3] Article 14 (2) of the Arab Charter on Human Rights also explicitly recognizes the non-derogable nature of this right.

31. The source further notes that, if it is the case that Mr. Al Nuaimi is held in relation to a counter-terrorism allegation — which has not been made clear to him — counter-terrorism laws must still comply with international standards. Laws regarding terrorism and associated offences, whether within the context of national or international acts, must be accessible, clearly defined, formulated with precision, and non-discriminatory and non-retroactive (see General Assembly resolution 63/185, para. 18, and E/CN.4/2006/98, para. 49). However, according to the source, no such charge has been made available to Mr. Al Nuaimi in any event.

32. In the light of the above, the source submits that the violations of Mr. Al Nuaimi's rights under fair trial norms are of such gravity as to give his deprivation of liberty an arbitrary character, falling under category III.

Response from the Government

33. On 25 January 2018, the Working Group transmitted the allegations from the source to the Government through its regular communication procedure. The Working Group requested the Government to provide, before 26 March 2018, detailed information about the current situation of Mr. Al Nuaimi and any comments on the source's allegations.

34. The Working Group regrets that it did not receive a response from the Government to that communication. Nor did the Government request an extension of the time limit for its reply, as provided for in the Working Group's methods of work.

[2] See also *Madani v. Algeria* (CCPR/C/89/D/1172/2003).

[3] See Human Rights Committee, general comment No. 29 on derogations from provisions of the Covenant during a state of emergency, para. 11.

Recent developments

35. According to the source, Mr. Al Nuaimi was released on 28 February 2018 after being held for eight months.

36. Furthermore, the prosecution is reportedly now building a new case against Mr. Al Nuaimi based on the additional intelligence provided by the United States after the two countries signed a counter-terrorism memorandum of understanding in July 2017.[4]

Discussion

37. Following Mr. Al Nuaimi's release on 28 February 2018, the Working Group has the option of filing the case or rendering an opinion as to the arbitrariness of the detention, in conformity with paragraph 17 (a) of its methods of work. In this particular case, based on the circumstances, the Working Group has decided to render the present opinion, in conformity with paragraph 15 of its methods of work.

38. The Working Group has in its jurisprudence established the ways in which it deals with evidentiary issues. If the source has established a prima facie case for breach of international requirements constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations (see A/HRC/19/57, para. 68). In the present case, the Government has chosen not to challenge the prima facie credible allegations made by the source.

39. The Working Group wishes to reaffirm that the Government has the obligation to respect, protect and fulfil the right to liberty of person and that any national law allowing deprivation of liberty should be made and implemented in conformity with the relevant international standards set forth in the Universal Declaration of Human Rights and other applicable international or regional instruments. Consequently, even if the detention is in conformity with national legislation, regulations and practices, the Working Group must assess whether such detention is also consistent with the relevant provisions of international human rights law.[5] The Working Group considers that it is entitled to assess the proceedings of a court and the law itself to determine whether they meet international standards.[6]

Category I

40. The Working Group will examine the relevant categories applicable to its consideration of this case, including category I, which concerns deprivation of liberty without invoking any legal basis.

41. According to the information provided by the source, which the Government chose not to contest, Mr. Al Nuaimi was arrested without the presentation of a warrant and he was not promptly informed of the reasons for his arrest or of any charges against him in violation of articles 3 and 9 of the Universal Declaration of Human Rights.[7] In addition, Mr. Al Nuaimi was not brought promptly before a judicial authority as stipulated in principle 11 of the Body of Principles.

42. The Working Group expresses its concern at the uncertainty of the charges that the Government has been trying to bring against Mr. Al Nuaimi. Even the prosecution appears to have been unable or unwilling to make a decision in this regard months after the start of Mr. Al Nuaimi's detention and court hearings.

43. If the Government has indeed been attempting to appeal Mr. Al Nuaimi's original acquittal in May 2016, as its latest official statement revealing his release in February 2018

[4] See the statement by the Qatari Government Communications Office. Available at: https://www.gco.gov.qa/en/2018/04/22/in-response-to-the-telegraph.

[5] See opinions No. 94/2017, para. 47; No. 76/2017, para. 49; No. 1/2003, para. 17; No. 5/1999, para. 15; and No. 1/1998, para. 13.

[6] See opinions No. 94/2017, para. 48; No. 88/2017, para. 24; No. 83/2017, para. 60; No. 76/2017, para. 50; and No. 33/2015, para. 80.

[7] See also article 14 (1) of the Arab Charter on Human Rights.

appears to indicate, the Working Group should conclude that Mr. Al Nuaimi's arrest and eight-month detention period violated article 9 of the Universal Declaration of Human Rights, along with article 276 of the Criminal Procedure Code and the principle of *ne bis in idem*.

44. The Working Group also notes with concern that Mr. Al Nuaimi was transferred from the headquarters of the State Security Forces to an unofficial detention facility in Doha. The Working Group has consistently considered that placing and detaining someone at a secret location is arbitrary per se, because no legal procedure has been followed, thereby lacking any legal basis for the deprivation of liberty.[8]

45. The Working Group further notes that the use of secret detention by the Government of Qatar deprived Mr. Al Nuaimi of his right to challenge the lawfulness of his detention before court in violation of principle 32 of the Body of Principles. The Working Group wishes to reiterate that habeas corpus is a human right that can be inferred from articles 8, 9 and 10 of the Universal Declaration of Human Rights (see A/HRC/19/57, para. 59).

46. The Working Group therefore concludes that Mr. Al Nuaimi's arrest and detention lack a legal basis and are thus arbitrary, falling under category I.

Category III

47. The Working Group will now consider whether the violations of the right to a fair trial and due process suffered by Mr. Al Nuaimi were of such gravity as to give his deprivation of liberty an arbitrary character, falling within category III.

48. The Working Group finds that the circumstances of this case are puzzling and further observations are required. The general and underlining context of the case is the fight against terrorism, with the information provided by the source about Mr. Al Nuaimi being listed consecutively by the United States and the Security Council as a "financer and facilitator of terrorism". However, the resumption of a criminal case against him in Qatar only occurred after a certain period of time. This raises serious concern about the ultimate motive of the case, especially when well-known global practices after 11 September 2001, such as secret detention in the context of countering terrorism, are involved. The source provides some elements towards such a motive, with the references to Mr. Al Nuaimi's human rights advocacy and the indirect and/or implicit political dimensions. This is further troubling to the Working Group, although the information is not sufficiently detailed for any conclusive observations in that regard.

49. Furthermore, the international context of the case is also of interest and one cannot help but notice the references to other States whether within the region or beyond. While a concerted effort among States is essential, each State must ensure respect for the fairness of the proceedings that the individual is subjected to. As the Working Group and numerous other relevant human rights mechanisms have consistently stated, respect for basic rights can only strengthen the fight against terrorism and help States succeed. Any blatant violation of basic rights, especially due process rights, would negatively affect the core mission of countering terrorism. It is particularly important that the intelligence and law enforcement agencies cooperate within the framework of the law, especially international human rights law, which protect individuals facing the justice system. Compliance with the rule of law will strengthen counter-terrorism and any disregard for such a rule only reduces the potential for success. All States involved are jointly responsible for compliance with the international norms.[9]

50. Concerning the violations of the right to a fair trial and due process suffered by Mr. Al Nuaimi in the present case, the Government of Qatar reportedly placed him in secret detention, as he was detained at an unknown location in Doha. In 2010, the Working Group and several special procedure mandate holders completed a joint study on global practices in relation to secret detention in the context of countering terrorism (A/HRC/13/42). In the joint study, the experts reiterated that international law prohibits secret detention, which

[8] See opinions No. 14/2009; No. 12/2006; and No. 11/2018. See also A/HRC/13/42.

[9] In this regard, see A/HRC/10/3, paras. 37–38.

violates a number of human rights norms, including the right to a fair trial (paras. 27 and 282). The experts found that certain practices inherent in secret detention, such as the use of secrecy and insecurity caused by the denial of contact with the outside world, place detainees in a situation of heightened vulnerability to violations of the right to a fair trial, including forced confession of guilt, denial of the presumption of innocence, inability to challenge the lawfulness of the detention, denial of access to legal representation, as well as torture and ill-treatment.[10] Moreover, during its thirty-seventh session, the Human Rights Council adopted a resolution in which it stressed that no one should be held in secret detention and urged States to ensure that all persons held in detention under their authority were provided with access to the courts and to investigate all alleged cases of secret detention, including under the pretext of countering terrorism.[11]

51. In the present case, the use of secret detention by the Government of Qatar also deprived Mr. Al Nuaimi of his right to legal assistance during his detention, and it denied him the right to have adequate time and facilities for the preparation of his defence and to communicate freely with the counsel of his own choosing.[12] In doing so, the Government of Qatar violated articles 9 and 10 of the Universal Declaration of Human Rights, as well as principles 2 and 10 of the Body of Principles. The Government also placed Mr. Al Nuaimi beyond the protection of the law, in violation of his right to recognition as a person before the law under article 6 of the Universal Declaration of Human Rights.[13]

52. As noted above, Mr. Al Nuaimi has not been brought promptly before a judicial authority, and he was not allowed to challenge the lawfulness of his detention before a court. Such practice also has the danger of seriously undermining the exercise of the right to defence. The Working Group also reiterates its concern at legal provisions, such as article 18 of Law No. 3/2014 on Combating Terrorism, that negate the right to judicial supervision and review of detention even while countering terrorism (see A/HRC/10/21, para. 54 (e)).

53. The Working Group further notes that the Public Prosecutor prevented Mr. Al Nuaimi from attending his first court hearing on 23 October 2017, allegedly in order to delay the full hearings. Regardless of the Government's motive, Mr. Al Nuaimi's right to be tried in his presence was ignored. The judge's willingness to accede to the Government's repeated requests for postponement of the proceedings also prejudiced Mr. Al Nuaimi's right to be tried without undue delay and raises questions about the fairness of his trial.

54. In the light of the foregoing, the Working Group concludes that the violations of Mr. Al Nuaimi's fair trial rights are of such gravity as to render his deprivation of liberty arbitrary, falling within category III.

Disposition

55. Although Mr. Al Nuaimi has been released, the Working Group, in accordance with paragraph 17 (a) of its methods of work, reserves the right to render an opinion as to whether the deprivation of liberty was arbitrary, notwithstanding the release. In the light of the foregoing, the Working Group renders the following opinion:

> The deprivation of liberty of Abdulrahman bin Omair Rashed al Jabr al Nuaimi, being in contravention of articles 3, 6, 8, 9, 10 and 11 of the Universal Declaration of Human Rights, is arbitrary and falls within categories I and III.

56. The Working Group requests the Government of Qatar to take the steps necessary to remedy the situation of Mr. Al Nuaimi without delay and bring it into conformity with the relevant international norms, including those set out in the Universal Declaration of Human Rights.

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[10] See also opinions No. 14/2009, para. 21, and No. 5/2001, para. 10 (iii), in which the Working Group found that secret detention was a violation per se of the right to a fair trial under category III.

[11] See resolution 37/3, paras. 6 and 8–9. See also A/HRC/13/42, para. 26.

[12] United Nations Basic Principles and Guidelines, principle 9 and guideline 8. See opinions No. 63/2017, No. 21/2017 and No. 48/2016.

[13] See also opinions No. 47/2017, para. 25; and No. 46/2017, para. 23.

57. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to accord Mr. Al Nuaimi an enforceable right to compensation and other reparations, in accordance with international law.

58. The Working Group urges the Government to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of Mr. Al Nuaimi and to take appropriate measures against those responsible for the violation of his rights.

59. The Working Group encourages the Government to ratify the International Covenant on Civil and Political Rights and its Optional Protocols.

Follow-up procedure

60. In accordance with paragraph 20 of its methods of work, the Working Group requests the source and the Government to provide it with information on action taken in follow-up to the recommendations made in the present opinion, including:

(a) Whether compensation or other reparations have been made to Mr. Al Nuaimi;

(b) Whether an investigation has been conducted into the violation of Mr. Al Nuaimi's rights and, if so, the outcome of the investigation;

(c) Whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of Qatar with its international obligations in line with the present opinion;

(d) Whether any other action has been taken to implement the present opinion.

61. The Government is invited to inform the Working Group of any difficulties it may have encountered in implementing the recommendations made in the present opinion and whether further technical assistance is required, for example, through a visit by the Working Group.

62. The Working Group requests the source and the Government to provide the above information within six months of the date of the transmission of the present opinion. However, the Working Group reserves the right to take its own action in follow-up to the opinion if new concerns in relation to the case are brought to its attention. Such action would enable the Working Group to inform the Human Rights Council of progress made in implementing its recommendations, as well as any failure to take action.

63. The Government should disseminate through all available means the present opinion among all stakeholders.

64. The Working Group recalls that the Human Rights Council has encouraged all States to cooperate with the Working Group and requested them to take account of its views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty, and to inform the Working Group of the steps they have taken.[14]

[*Adopted on 24 April 2018*]

[14] See Human Rights Council resolution 33/30, paras. 3 and 7.